

1617  
RECEIVED

JUL 9 2001

TECH CENTER 1600/2900

P/1259-503



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Fernand LABRIE

Date: June 28, 2001

Serial No.: 09/405,678

Group Art Unit: 1617

Filed: September 24, 1999

Examiner: S. Wang

For: MEDICAL USES OF A SELECTIVE ESTROGEN RECEPTOR MODULATOR IN COMBINATION WITH SEX STEROID PRECURSORS

13/E  
AKHARMA  
7/12/01

Assistant Commissioner for Patents  
Washington, D.C. 20231

AMENDMENT/SUBMISSION

Sir:

This is a response to the Office Action mailed April 9, 2001 in the above-identified application. Reconsideration of the application is respectfully requested.

FEE CALCULATION

Any additional fee required has been calculated as follows:

\_\_\_\_\_ If checked, "Small Entity" status is claimed.

NO. CLAIMS AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	EXTRA PRESENT	RATE	ADDIT. FEE
TOTAL 23 MINUS 69	* =	0 X	(\$9 SE or \$18)	\$ 0.00
INDEP. 1 MINUS 3	** =	0 X	(\$40 SE or \$80)	\$ 0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			X (\$135 SE or \$270)	\$ 0.00
TOTAL \$				0.00

\* not less than 20

\*\* not less than 3

If any additional payment is required, a check which includes the calculated fee of \$ \_\_\_\_\_  
(OFGS Check No. \_\_\_\_\_) is attached.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

### CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

### AMENDMENTS

  X   If checked, amendment(s) to the specification and/or claims are submitted herewith.

1.   X   If checked, an abstract is submitted as the last page of Appendix A.

#### **2. Claims:**

Please cancel claim 53 without prejudice.

Please amend claims 2, 84 and 96 pursuant to 37 C.F.R. § 1.121(c)(i) as set forth in the “clean” version attached hereto as Appendix A. Entry is respectfully requested. A version with markings to show the changes made pursuant to 37 C.F.R. § 1.121(c)(ii) is attached hereto as Appendix B.

       If checked, the optional complete set of “clean” claims pursuant to 37 C.F.R. § 1.121(c)(3) is attached hereto as Appendix C.